

Carolyn H Friis
1752 Guadalupe Ave
San Jose, California 95113

FILED

2008 MAR 10 P 3:23

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CAL. S.J.

**UNITED STATES DISTRICT COURT
NORTHERN CALIFORNIA - San Jose Division**

Carolyn H Friis
Judgment Creditor

Case No. **CV 08-80027 MISC RMW**

v
CITY OF SAN JOSE, a corporation
dba FEIN 946000419,
770250396, 942044864, et al
Judgment Debtor

**Notice of Public Recording/Filing of
APOSTILLED JUDGMENT**

CRW

Please take notice that I have recorded in the US District Court - No. California, San Jose Division as a Miscellaneous Matter "005chf SJ Apostille" (4 pgs) which was issued on March 7, 2008 and was served on the City of San Jose on March 10, 2008. This Apostille is the result of Private Administrative Proceeding/Alternate Dispute Resolution between Carolyn H Friis and the CITY OF SAN JOSE, a corporation as shown on 004chf SJ Notice of Public Filing/Recording of Foreign Judgment.

Judgment Creditor Carolyn H Friis will use the Foreign Judgment in future proceedings as needed. Any tampering with this Judgment requires the same security for satisfaction of the Judgment which is required in the State of California.

Said Apostille is established under Seal # 506970 of the Secretary of State, State of California.

A copy of this recording will be served this date on City of San Jose, 200 E. Santa Clara St, San Jose, CA 95113; attn: Mayor Chuck Reed (or successor) and City Council and the City of San Jose, Department of Planning, Building and Code Enforcement, attn: Michael Hannon, 170 W. San Carlos St, San Jose, CA 95113. Copy of Proof of Service available upon request.

Carolyn H. Friis
Carolyn H Friis, Judgment Creditor

attachments: 005chf SJ Apostille (4 pg)

005chf SJ Notice of Public Filing/Recording of Apostilled Foreign Judgment

State of California



SECRETARY OF STATE

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: United States of America
This public document
2. has been signed by Madeleine Bruley
3. acting in the capacity of Deputy Assessor-County Clerk-Recorder,
County of San Mateo, State of California
4. bears the seal/stamp of the County of San Mateo,
State of California

CERTIFIED

5. At San Francisco, California
6. the 7th day of March 2008
7. by Deputy Secretary of State, State of California
8. No. 506970
9. Seal/Stamp:



10. Signature

Jana Bowen
Secretary of State

BY

[Signature]

cus hf ST
Apostille



STATE OF CALIFORNIA
COUNTY OF SAN MATEO ss

I, WARREN SLOCUM, Assessor-County Clerk-Recorder, County of San Mateo, State of California, having by law a seal,

Do HEREBY CERTIFY, That WILLIAM CHARLES PATTISON
whose name is subscribed to the Certificate of the proof or acknowledgment of the annexed instrument and thereon written, was at the time of taking such proof or acknowledgment, a Notary Public in and for said County, residing therein, duly commissioned and sworn, and duly authorized by the laws of said state to administer oaths, take acknowledgments and proofs of deeds or conveyances for land, tenements or hereditaments in said State, to be recorded therein. And further that I am well acquainted with the handwriting of such Notary Public, and verily believe that the signature to said Certificate of proof or acknowledgment is genuine, and that said instrument is executed and acknowledged according to the laws of said State. I further certify that an impression of the seals of Notaries Public is not required by law to be filed in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the

Assessor-County Clerk-Recorder, this 07 day of March, 2008.

Warren Slocum

WARREN SLOCUM, Assessor-County Clerk-Recorder

By Madeleine Bruley

Deputy Clerk for the County of San Mateo

Madeleine Bruley

CERTIFICATE OF PROTEST / JUDGMENT

Tracking # 002chf sj Certificate of Protest / Judgment

CITY OF SAN JOSE, a corporation and its Agents.

vs

Carolyn H Friis, private Citizen and Creditor

As a Notary Public for the State of California, County of San Mateo, I hereby issue this Certificate of Protest; Judgment, Stipulation, Consent Agreement, Contract (hereinafter 'Judgment') pursuant to California Commercial Code 3505 in favor of Carolyn H Friis (hereinafter 'Ms Friis') against the City of San Jose, it's Mayor and each member of the City Council and each employee involved in the ultra vires raid on November 14, 2007 on the private property known as 1752 Guadalupe Ave, San Jose, California (hereinafter 'subject property').

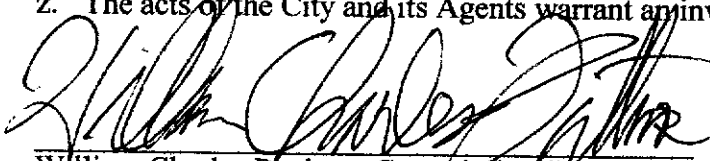
Ms Friis has notified me that she has no knowledge of nor has she been presented with any material fact or evidence that the City of San Jose or any of it's agents have rebutted or even responded to Ms Friis' Presentments served on the City on February 8, 2008 (001chf sj, copies attached) and on February 20, 2008. I have no evidence that the foregoing is not true, correct and not misleading.

Therefore, due to lack of rebuttal, response or objection by the City of San Jose or it's Agents to Ms Friis' presentments the following Certificate of Protest / Judgment is issued:

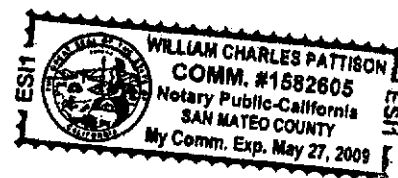
The City of San Jose, the Mayor and the City Council agree that:

- a. the corporate City of San Jose is a corporation doing business under several FEINs, including 946000419, 770250396 or 942944864 which makes it subject to the laws of commerce such as the Uniform Commercial Code, Fair Debt Collection Practices Act, etc.
- b. the corporate City of San Jose does not have authority to exert acts of ownership and control over the property known as 1752 Guadalupe Ave, San Jose, California (hereinafter 'subject property')
- c. the corporate City of San Jose has no interest, ownership or other in the subject property.
- d. the raid and search of the subject property on November 14, 2007 was done only under the color of law without support of a sworn Affidavit of Probable Cause.
- e. the Mayor, each City Council member and each employee participating in the raid on the subject property on November 14, 2007 did so under color of law, statute, ordinance, regulation, and custom and did willfully, knowingly and intentionally conspire to oppress, threaten, and intimidate Ms Friis and her friends to the deprivation of their rights, privileges and immunities in the free exercise and enjoyment of her/their rights secured by the Constitution or laws of the United States and Constitution of the State of California in general and in particular Article I Section 1 of the Constitution of the State of California.
- f. The corporate City of San Jose and it's Officers/Employees are individually and collectively liable for damages to Ms Friis, her friends and the subject property as the result of the unlawful raid.
- g. the armed impersonators who raided the subject property have not taken the Oath of Office required by the Constitution of the State of California, Article XX, Section 3 of the Constitution of the State of California in light of Title 4 U.S.C. §101.
- h. The Citation # J 3147256 and any other Citations purportedly issued on November 14, 2007 is/are null and void ab initio.

- i. the proceeding against Ms Friis is a commercial proceeding governed by commercial law.
- j. Ms Friis' signature does not appear on any document in which Carolyn H. Friis waived any of her rights as guaranteed by the Constitution for the United States or the Constitution or the State of California.
- k. Carolyn H. Friis is not the Trustee of the Guadalupe Acres Trust.
- l. Carolyn H. Friis is the Beneficiary of the Guadalupe Acres Trust.
- m. The Supreme Court did rule that municipalities cannot exert any acts of ownership and control over property that is not OWNED by them, see Palazzolo v. Rhode Island 533 US 606, 150 L.Ed. 2d 592, 121 S.Ct. ____ (2001) (no expiration date on the taking clause for city's illegal enforcement of its codes on the man's private property and restricting the man's business), affirming both Lucas v. South Carolina Coastal Council, 505 US 1003, 120 L. Ed. 2d 798 (1992) (butterfly activists and code enforcement cannot restrict development of the man's private swampland unless they lawfully acquire the land FIRST, surveying with binoculars constitutes a "takings"), and Monterey v. Del Monte Dunes, 526 US 687 (1999), 143 L.Ed. 2d 882, 119 S.Ct. ____ (1998). In the Monterey case, the California private property owner was awarded \$8 million for code enforcement's illegal trespass and restriction of his business, and another \$1.45 million for the aggravation of a forced sale.
- n. all parties involved in a proceeding must participate in and seek non-judicial, private administrative resolution before seeking judicial review.
- o. Notice to Principal is Notice to Agent and Notice to Agent is Notice to Principal.
- p. an affidavit sworn true, correct and complete stands as the truth in commerce and judgment of the law if not fully rebutted point for point by counter affidavit sworn or affirmed true, correct, complete, certain and not misleading.
- q. failure of an entity to supply information which it can provide or construct, supports an inference that those materials if unearthed would contradict the position of the entity.
- r. City of San Jose silence to Ms Friis' Affidavits, Counterclaims, etc (hereinafter 'Affidavits') means City acquiescence to Carolyn H Friis' Affidavits in a manner most favorable to Ms Friis and her friends.
- s. In Commerce, Truth is sovereign.
- t. An un-rebutted Affidavit stands as Truth in Commerce.
- u. No more than an affidavit is necessary to make the prima facie case.
- v. Silence is equated to agreement and acceptance.
- w. Ms Friis has exhausted her Administrative Remedies and may seek remedy; Judicial or otherwise as provided by the law.
- x. In harmony with Monterey v. Del Monte Dunes, 526 US 687 (1999), supra, Ms Friis is empowered to make a claim upon the official bond or insurance of the City of San Jose in the amount of \$8,000,000.
- y. If the City of San Jose or any Agents again approach, harass or intimidate Ms Friis and her friends without a lawful Order supported by a sworn Affidavit, Ms Friis is empowered to make a claim upon the official bond/s or insurance of the City of San Jose and it's participating employees in the amount of \$1,000,000 each.
- z. The acts of the City and its Agents warrant an investigation by the Grand Jury.


 William Charles Pattison, Commission # 1582605
 Notary Public California ; San Mateo County
 910 South Grant Street
 San Mateo, CA 94402

SEAL



Protest Fee discharged